

Police Abuse Of Deadly Force: Immediate Solution Sought

The following is from an address by Vernon E. Jordan, Jr., president of the National Urban League, Inc., at the National Consultation on Police Use of Force in Washington, D.C. The meeting was sponsored by the Department of Justice's Community Relations Service, the National Urban League, and the League of United Latin American Citizens.

While we meet here today, some police officer somewhere in America is shooting a civilian.

And, if today's case is typical, that civilian will be black or Hispanic.

It is likely the victim is young, that the incident is a non-felony, that the victim is unarmed, and probably that the shooting could have been avoided. And it is certain that no positive action will be taken against the police officer.

If that incident follows the statistical patterns, then it illustrates all too vividly the reason why we are here today.

Estimates vary, but most statistics place the number of victims of police use of deadly force in the vicinity of 600 each year, or almost two each day.

Clearly many of those incidents reflect justified use of force. But how many? Even if nine-tenths of the incidents are justified, scores of innocent people die. Certainly no one would reasonably suppose all of the incidents are justified, that in none of them there was a clear alternative to deadly use of force. No matter how generously we interpret the figures, it is clear that this remains a major problem demanding our immediate concern.

And most estimates say that minority victims are at least half of the total. Even given the disparity in ethnic crime rates—a disparity many would dispute and most would recognize as caused by patterns of discrimination and poverty—differential crime rates alone cannot account for the excessive number of minority victims.

So the question has been asked: "Do the police have one trigger finger for whites and another for minorities?"

There may be some officers so consumed by racist attitudes that they constitute a clear and present danger to minority communities. There may be some who are so locked into aggressive behavior patterns that they constitute a grave danger to everyone.

I think it is fair to say that most police departments make every effort to screen those types out. Times have changed, and the police have changed with them. Police chiefs don't want such people in their units, and police officers don't want to have to work alongside such people.

The fact that people with such tendencies are less often found on police forces and the fact that, at the same time, police violence is relatively constant, suggests that the problem can't be pinned on "the rotten apples" or a handful of bad cops.

Rather, it suggests we ought to be looking at police practices in general. And we ought to examine the factors that lead a police officer to take actions he or she later wishes to reverse.

For when a civilian is killed by a police officer, that officer has taken upon him or herself the roles of prosecutor, judge, jury, and executioner. This is not the police officer's job. It's not what the police are trained for. It is not consistent with a



training and education to minority and non-minority law enforcement and law enforcement authorities, but from the society at large. Every use of deadly force, justified or not, is seen as a racist-inspired act.

There are so many cultural differences among America's ethnic groups that behavior immediately understood by members of a group may be interpreted as threatening by outsiders. And in black and Hispanic communities, white police officers are outsiders.

Without an understanding of minority group culture and behavior patterns, police are deprived of an essential tool of their trade.

Training in understanding those patterns should be as important for a police force as training on the shooting range.

Minorities have a stake in the resolution of this problem. We are the ones on the receiving end of the use of deadly force. But public safety officials and the police officer on the beat have a stake in this too.

I am not a police officer, nor have I ever had police training, so I can't spell out detailed police techniques to deal with the issue of deadly force. That's why this conference needs the participation of concerned citizens and police representatives capable of suggesting procedures that could improve the situation.

But I am a manager and an administrator, so I can suggest to you that the key to progress in this area does not lie with the cop on the beat, who is subject to department control. And it may not even lie with the chief, who may rather be out of daily touch with officers or who may not have total control over all details of his force.

I have found in business and in government that the key to control lies with the middle management, in this case precinct commanders, who have daily supervisory responsibilities and who are the immediate superiors of the man on the beat.

And I am a citizen, so I am aware of the need for responsible accountability for all of the organs of public administration. As a citizen I strongly support a national code on the police use of firearms. I would hope that becomes one result of this conference. And I would also suggest that framing such a code be allied with strong enforcement of that code and citizen participation in monitoring its effectiveness.

And I am a black man, so I find it impossible to ignore the fact that so long as deadly force is used, and so long as it reflects racial disparities, my life and that of every minority person is in danger.

And I am a lawyer, so I know that this is an issue fundamental to the working of a democratic society. I know that it is an issue deeply bound up in moral and ethical questions that must be resolved by a free society.

So we have a serious job to do. Quite literally, people's lives are at stake.

We have a grave responsibility. Let us be worthy of it.

Around the Nation . . .

WASHINGTON, D.C.—The Associated General Contractors report the theft of heavy construction machinery in the United States has become a \$700 million-a-year racket. California and Texas have been hit the hardest, a spokesman said. This is because there is more construction going on in those states, and with sites widely spaced, contractors are more likely to leave expensive machines parked at unguarded construction sites at night instead of removing them to other, more secure locations. The Associated General Contractors said at least 3,515 construction vehicles were stolen nationwide in 1978, 865 of those in California and 636 in Texas.

CHICAGO—A federal agent told law enforcement officers in Chicago recently that organized crime is linked to most cases of arson, and that in cases of arson in which damages are more than \$40,000, there is apt to be a link to white-collar criminals. Walter Hays, ATF special agent, said at the first meeting of the newly formed Coordinating Council on Arson for Profit in Chicago, that one solution to prevent arson for profit schemes is to insure property for replacement value rather than

Facilities Accredited

The Commission on Accreditation for Corrections has given its stamp of approval to 13 correctional facilities, presenting them with professional accreditation awards.

The commendations, made at the commission's Houston, Tex., meeting, represent "a commitment to professionalism and public accountability by an agency's administrator and staff," said the commission.

Receiving the accreditation were: the Denver county jail and the Denver Pre-arraignment Detention Facility; the Illinois Department of Correction's Menard Psychiatric Center; federal correctional facilities in Lompoc, Calif., Montgomery, Pa., Memphis, Tenn., and Texarkana, Tex.; the federal community treatment center in Kansas City, Mo.; three halfway houses operated by Span, Inc., Pomona, Calif.; and two halfway houses operated by Rube, Inc., Pomona, Calif.

Some 49 of the approximately 400 correctional facilities currently involved in the program have been accredited since 1977, the commission said.

Marriage Tax Proposed

Legislators in nine states and domestic violence prevention organizations have proposed a novel way to fund domestic violence programs: levy a tax on the marriage license.

Proponents of the measure say it would assure such programs a source of steady funding.

Uniform Standards On Use Of Weapons Needed

Criminal justice experts say a lack of uniform standards governing police use of deadly weapons is the chief reason for distrust and bitter disputes between police and their communities, particularly minority residents.

The number of fatal shootings by police is increasing annually, with blacks and Hispanics accounting for nearly 50 percent of those killed by police, they noted. But they could not reach mutual agreement on why blacks and Hispanics were killed at a rate disproportionate to their numbers in the general population.

Their views were contained in a report, "A Community Concern: Police Use of Deadly Force."

Comments by police executives, public and government officials, criminologists, researchers and representatives of the Department of Justice came at a workshop sponsored by the National Organization of Black Law Enforcement Executives (NOBLE) and supported by the National Institute of Justice (NIJ).

All of the participants agreed that police officers should discharge their weapons only when the life of a police officer or that of another person is endangered, but offered conflicting explanations for the rising number of fatal shootings among minorities.

Some of those explanations included:

- The overall crime rate has increased, placing more people in situations where they risk being shot at or killed by police.

- Blacks have a higher arrest rate for such crimes as homicide, rape, robbery, and aggravated assault.

- There is no national policy governing firearms use by police officers.

- There are insufficient ci-

- The use of deadly force by police is a deterrent to crime.

- Police use one standard for blacks and other minorities, and another for whites in determining when to fire their guns.

Despite these varying explanations, the experts generally agreed that police and other law enforcement officials must be measured by the same due process standards as civilians when a life has been taken.

One stated: "The court is properly concerned about a statute that permits the police to kill someone who may have committed a crime but does not show any intent to harm anyone, and whose only concern is escape."

Another noted: "Even though the highest tribunal in the nation has addressed this issue, there has been inadequate attention placed on the power of the police to exercise the same awesome power relative to taking a citizen's life. For that reason, it is imperative that police administrators and the

public in general give paramount consideration to the authority invested in the police to take a life."

Still another commented: "Both the police executive and the minority community share the goal of crime reduction in the minority community. Both agree that the police officer should be authorized to use firearms to defend his or her own or another's life when other means are inadequate. Neither believes the police badge should be a shield for brutality or racism."

The report outlined several initiatives undertaken by organizations and groups to deal with the problem:

- NOBLE has passed 11 resolutions it hopes will be adopted nationally providing standards for police use of deadly force.

- The Department of Justice's Community Relations Service has established a task force specifically to address deadly force.

- The National League of Cities continues to provide technical assistance to communities attempting to deal with problems associated with deadly force.

- A number of police departments, including New York City, have set up firearms review boards.

- Some communities have established citizen review boards with decision making powers, as well as citizen programs that place citizens in station houses and on disciplinary boards.

In addition, NIJ has awarded three grants totaling \$800,000 to analyze police use of deadly force to the National Urban League, the International Association of Chiefs of Police, and the University of California, Irvine.

Copies of the report are for sale



The forerunner of a five-volume, five-year study that will report on the impact of crime on urban populations shows that people continue to be more apprehensive about crime victimization than they are about other dangers that they face more often.

Daniel Lewis, head of the Northwestern University Center for Urban Affairs Project, said that while the average American has as great or greater chance of being injured in an auto accident, losing his home to fire, or contracting a serious illness, "the fear of crime appears to far outweigh these (other) considerations."

The Center is completing the project for the National Institute of Justice, and the entire study is scheduled to be published this fall.

"It will be the first comprehensive look at what the impact of crime is on urban populations," Mr. Lewis said. "It will show what people's fear of crime is and their reactions to it. It will show what crime is really doing to American cities and how people are trying to cope with it."

Examines Fear Of Crime

The Center's initial publication, "Reactions to Crime," is a review of studies and research done in recent years. It examines people's fears and anxieties about crime, their concerns for their personal safety, as well as the safety of their families, and their emotional and behavioral responses to crime.

Generally, the review concludes that while people fear crime, they see it as happening to someone else, rather than themselves. They also are more likely to see crime rates rising in areas other than their own neighborhoods.

Security Devices Installed

According to the review, there is considerable evidence that despite their apprehension about crime, people seldom consider it when making decisions about transportation, home relocation, recreational patterns, or going out at night.

However, the review indicates that approximately 40 percent of people

responding to surveys have installed some security device in their homes in the past few years because of their perception of crime, and 10 to 15 percent make sure they are accompanied by another person when they go out.

While women are more afraid of being victimized than men, according to the review, men are more frequently the victim of crime.

Some Crimes Tolerated

The review said that despite a notable growing public concern about crime, "there is considerable evidence that personal tolerance of some behavior labeled as criminal—such as

drug use, abortion, and homosexuality—has increased."

An irony found in the Center's review of available literature on crime is the suggestion that crime awareness programs put on by police departments may increase citizen fears.

Also, when people significantly modify their behavior to avoid being victimized, such as avoiding theaters and restaurants in certain areas, and locking themselves in their homes at night, they may be taking counterproductive measures.

"By avoiding social interaction with their fellow citizens, these actions not only may increase people's fears, but may well lead to increased crime," Mr. Lewis said. "because there are fewer people on the streets to protect each other and observe what is going on. You are, in effect, leaving the streets open to the criminals."

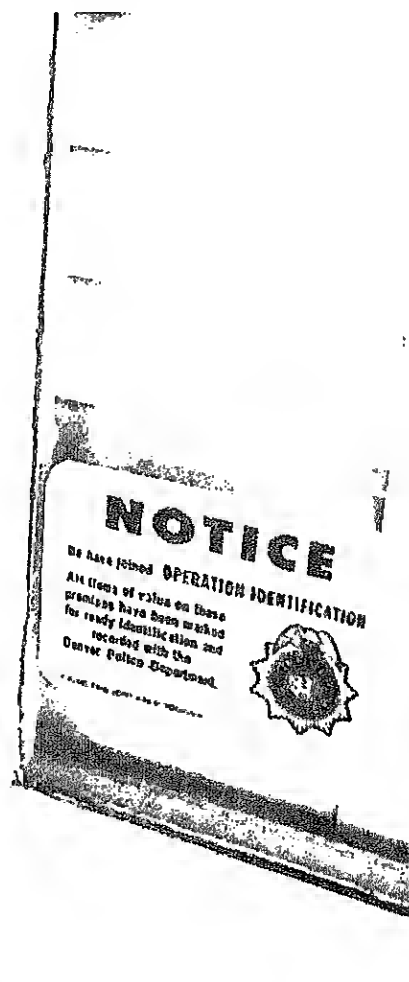
Safety Not A Factor

The review said several studies show that participants in property marking programs have lower victimization rates.

Regarding transportation, the review said that while some people choose modes of transportation with crime risks in mind, "few public transportation riders indicate that personal safety is a major factor in their decisions to use public transportation."

Three Cities Surveyed

The project was begun in 1975 and will be completed this summer. These five volumes are based on an intensive study of citizens' reaction to and perceptions of crime in 10 neighborhoods in three cities—Chicago, Philadelphia, and San Francisco.



Studies show that participants in property marking programs—such as Operation Identification—have lower victimization rates.

JAZZMOBILE: A Ray Of Hope In The

The deck is stacked against the kids who attend New York's Public School 113.

This Central Harlem elementary school sits in the middle of a drug center where four police officers have been killed already this year. The street population is heavily made up of prostitutes, pimps, drug runners, and addicts.

"The kids' brown brick school does contain one ace, however.

It is the JAZZMOBILE Young Citizens Harlem Arts Program, a unique community anti-crime project recently financed with a \$401,748 grant from the LEAA's Office of Community Anti-Crime Programs (OCACP).

The program was launched several years ago to stimulate an interest in music, art, and dance among underprivileged and culturally deprived inner city youths.

Reduces School Crime

A year ago, program organizers developed a strategy to combat juvenile delinquency and initiate community crime prevention programs, and it's paying off in reduced school crime and truancy and increased parental, community, and police involvement in the

lives of the children.

"We can't save all the kids, but we can help most of them," Project Director Anthony Allotta said.

"We had a young girl recently who was a chronic truant with a drug problem. By working closely with her, we were able to tap her artistic potential and eventually get her enrolled in a junior high school with an arts curriculum."

S. David Bailey, the organization's executive director, said the JAZZMOBILE diversion program works almost exclusively with residents of Harlem's Precinct 28 and pupils at P.S. 113.

Plagued By Problems

"This Harlem community is plagued by social and economic problems," Mr. Bailey said. "Most of the population has completed less than eight years of school; there are blocks and blocks of abandoned buildings in the area; unemployment is astronomical; and there are few municipal and social services for adults, and fewer still for the kids."

In 1978, nearly 80 percent of the students at P.S. 113 were reading below grade level, said Mr. Bailey.

Additionally, about 60 youths from

ages 10 to 14, have a history of disruptive behavior and academic failure and have been referred to special programs.

After one year of the JAZZMOBILE program in P.S. 113, Mr. Bailey said he sees a few bright spots:

- Of the nearly 24 percent of first-time juvenile offenders in the program, the 14 percent repeat offenders, and the 12 percent with drug-related problems, approximately 75 percent have stayed clean.

- Absenteeism is down five days per participating youth.

- More than twice the number of youths anticipated took part in the after-school (60 students) and summer (120 students) programs, with 85 percent attending daily.

- Involvement in special workshops for parents increased from 50 to 60 participants by the end of the third quarter to 70 to 75 parents attending on a regular basis by the end of the fourth quarter.

- Police precinct tours and school assemblies conducted by Precinct 28 officers resulted in a more positive outlook by the community toward police and a "resource for help."

- The business community has sponsored a number of JAZZMOBILE ex-



Crime-Ridden Streets Of Central Harlem

hibits and performances for Harlem residents.

OCACP Assistant Administrator Cornelius Cooper, in pointing out the organization's impressive accomplishments, praised JAZZMOBILE as "an exemplary program that could serve as a model for communities with similar problems nationwide."

"We need more programs with an emphasis on crime prevention," Mr. Cooper said. "It is important that we get to our young before they have any contact with the criminal justice system. Community and parental involvement is a must in this process."

Four Components

The JAZZMOBILE Young Citizens of Harlem Arts Program has four major components: a school-day arts education enrichment program of music, dance, and visual arts; the after-school and Saturday program for first-time offenders; special parental workshops; and a summer program that links the other three. Trained professional artists, a number of whom live and work in Harlem, staff the program.

The school-day program operates daily—9 a.m. to 3 p.m.—from October to June. Students from grades three through six participate. They are in-

structed in small groups on a rotating basis in dance, music, and visual arts.

"The primary objective of this component," Mr. Allotta said, "is to increase the pupil's self-image and interest in school and, by so doing, reduce chronic absenteeism."

"We want these kids to experience success by channeling their talents and energies into the arts. All we have done is to take the mysticism out of the arts."

The after-school/Saturday program is designed to serve first-time offenders in grades five through nine. Three times a week from 3:15 p.m. to 5 p.m., instructors hold workshops for some 60 students. They meet on Saturdays from 9 a.m. to noon.

Community Service

"One of the primary features of this program is its emphasis on community service. Precinct 28 officers are encouraged and do take part in these workshops, and they work with the youngsters on art-related projects as well," Mr. Allotta said.

Participants are encouraged to take part in projects like painting schoolyard murals or performing for hospitals and churches. Additionally, the precinct is often used to exhibit the students' art works, he said.

The parental workshops are the

mechanism used to encourage parents to get involved with their children, according to Mr. Allotta. He said parents are instructed in art-related activities that children can do at home and informed of the educational and art enrichment activities that are available in New York City.

The summer program is more of the same and provides continuity for the participants, Mr. Allotta said.

Last August, about 100 youths in the program staged a show for an audience of about 600 at the Harlem Hospital.

"A fourth, fifth, or sixth grader who can perform before an audience that size has really accomplished something," Mr. Allotta said. "After that, schoolwork is easy."

Originally founded as a free musical concert program for New York's culturally deprived areas, JAZZMOBILE supports the juvenile diversion program with performances during the school year, summer concerts, lectures, and field trips.

JAZZMOBILE's president is famed pianist Billy Taylor, a presidential appointee to the National Council for the Arts. The program caught the eye of Mrs. Walter Mondale, the Vice President's wife, who visited JAZZMOBILE last year for a firsthand look.



Drug Treatment Program Captures States' Interest

An experimental program that helps addicted prisoners overcome drug dependency through institutional and community-based treatment programs has captured the interest of several states and the White House drug policy staff.

The program, commonly known as TRAP (Treatment and Rehabilitation for Addicted Prisoners), features treatment for offenders during the last six to nine months of incarceration, a mutual agreement pact, and six to nine months' supervised aftercare following prison release.

Efforts at LEAA to develop TRAP began in 1976. Since that time some \$2 million has been awarded to support projects in Connecticut, Maryland, New Jersey, and New York as well as a national evaluation of the program. Florida, Alaska, Pennsylvania, and California also have expressed interest in the program.

In February, LEAA Acting Administrator Homer F. Broome, Jr., members of LEAA's Corrections Division, and representatives from TRAP projects spent a morning at the White House briefing Lee Dogoloff, associate director for drug policy, and members of the Domestic Policy Staff on TRAP.

Mr. Dogoloff praised the experiment and said it had much to offer the corrections field.

"Our prison population is, in some ways, a neglected one in terms of treatment," he said.

"We have historically concentrated our efforts on community-based treatment and only thought of prison treatment in terms of the last 30, 60, or 90 days before release as a means for having some sort of transition into community-based treatment."

"TRAP presents an opportunity for us to learn, understand, and see what works. And I think it's an exciting opportunity."

At the February session, Peter Regner, Corrections Division chief of offender services, outlined TRAP's history calling it, "the first program to follow textbook principles of program development."

History Of Drug Abuse

In 1975, Mr. Regner explained, an LEAA study found that 61 percent of state prison inmates had a history of illicit drug use, and that 30 percent of these individuals had an almost daily history of drug abuse.

"We also found that only 14 percent of these drug abusers ever received any

kind of treatment whether in the community or behind prison walls," he said.

To develop TRAP, LEAA reviewed drug programs in correctional institutions, including a Bureau of Prisons model program, and studies of other programs. The most promising elements of various programs were used for the TRAP model, which was reviewed by the National Institute on Drug Abuse and the National Institute on Corrections.

\$1 Million Awarded

LEAA earmarked \$1 million for TRAP pilot projects. The first awards were to Maryland and Connecticut in mid-1978, and to New Jersey and New York the following year. A national evaluation of TRAP was financed in 1978.

Mary Stuart, LEAA's TRAP program manager, told the White House gathering that the program contains three key elements.

"Because TRAP monitors progress and treatment," she explained, "we're looking for six to nine months of intensive treatment within an institutional setting, a process which provides contract parole—a mutual agreement program, and we're looking for supervised aftercare."

Ms. Stuart explained that each TRAP project must have a classification procedure through which substance abusers can be screened and identified. So that treatment can be intensive, each project must be located in a separate unit on the grounds of an institution. The program must include individual counseling, three hours of group counseling, and alternative therapy each week.

All TRAP projects also must offer the Mutual Agreement Pact (MAP).

"The MAP sets out the rules for TRAP participation—what's expected of the inmate and of the institution," Ms. Stuart said. "It also delineates any conditions of parole and sets a firm parole or parole eligibility date based on successful participation."

